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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,520

Applicant(s)

DAIGRE, RICHARD

Examiner

Devon C Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1) Three calls were placed to MR. William Lightbody requesting a copy of the amendment that was filed with the RCE on July 14, 2004. This action is made final, but the finality will be withdrawn if applicant can produce the amendment and proof that it was filed with the RCE.

Claim Rejections - 35 USC § 112

2) The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3) Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended the application to state that the spring is in direct contact with one of the friction disks. This is not stated in the specification and was not previously presented in the claims.

4) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5) Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 35 recites the limitation "device". This limitation is indefinite because a device can be any number of parts.

Applicant's claim 35 is extremely broad and are capable on reading on hundreds of classes throughout the office. The examiner recommends that applicant amend the claims to clearly claim what applicant deems the invention.

Claim Rejections - 35 USC § 102

6) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claims 1-3, 6, 9-14, 16-21, 24-28, and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Pringle (4805744).

In reference to claim 1, Pringle provides a selectively engagable friction mechanism comprising two parts and a housing (14), one of which (18) is rotatable in respect to the other (16) and the housing, at least two friction disks (44, 46), one of said two friction disks being non-rotatively connected to one of the two parts, the other of said two friction disks being non-rotatively connected to the other of the two parts, said one of said two friction disks having a single cross-section, said one of said two friction disks having a surface, said surface being hardened and engagement means (50) to engage said one with said other of said two friction disks so as to connect the two parts. Please note that the friction disks are all hardened to some extend to extend their service life.

In reference to claim 2, Pringle provides a selectively engagable friction mechanism characterized by the addition of attachment means to non-rotatively connect said one or said other part to the housing such that said engagement means functions as a brake for said other or said one part respectively. Please note that Pringle inherently has some attachment means to attach the disks to the non-rotatable portion though it is not labeled in the drawings.

In reference to claim 3, Pringle provides a selectively engagable friction mechanism of characterized in that both of the two parts are rotatively connected to the housing such that said engagement means functions as a clutch between the two parts.

In reference to claim 6, Pringle provides a mechanism characterized in that there are five or more friction disks (figure 1).

In reference to claim 9, Pringle provides a selectively engagable friction mechanism comprising two parts and a housing (14), one of which (18) is rotatable in respect to the other (16) and the housing, at least two friction disks (44, 46), one of said two friction disks being non-rotatively connected to one of the two parts, the other of said two friction disks being non-rotatively connected to the other of the two parts, said one of said two friction disks having a single cross-section, said one of said two friction disks having a surface, said surface being hardened and engagement means (50) to engage said one with said other of said two friction disks so as to connect the two parts, said engagement means includes a piston (50, 96), said

piston being located in a cavity, said cavity being located in the housing adjacent to said friction disks, said piston having actuated and non-actuated positions relative to said friction disks; a bias assembly (94), said bias assembly engaging both said piston and said housing and including a single spring, said single spring being in physical contact with both the housing and the piston, said bias assembly biasing said piston into either of said actuated or non-actuated positions; a pressurization means, said pressurization means moving said piston into the other of said actuated or non-actuated positions. Please note that the friction disks are all hardened to some extent to extend their service life.

In reference to claims 10 and 17, Pringle provides a mechanism characterized in that said spring has an inner edge and an outer edge, said inner edge contacting either of said piston or said housing, and said outer edge contacting the other of said piston or said housing (figure 1).

In reference to claims 11 and 18, Pringle provides a mechanism characterized in that the spring is a Belleville spring.

In reference to claims 12, 19 and 26, Pringle provides a mechanism characterized in that at least one washer is located intermediate between said spring and said housing.

In reference to claims 13-14, 20-21 and 27-28, Pringle provides a mechanism characterized in that said actuated position is synonymous with the brake being engaged or disengaged, depending on what applicant deems as engaged or disengaged.

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In reference to claims 16, Pringle provides a mechanism comprising a shaft (10) and a housing (12), said shaft being selectably rotatable in respect to said housing; a multiplicity of friction disks, said friction disks being non-rotatably connected to said shaft, said friction disks having an engagement surface, said engagement surface having a single cross section; a multiplicity of reaction disks, said reaction disks being non-rotatably connected to said housing, said friction disks being interleaved with said reaction disks; a piston, said piston being located in a cavity, said cavity being located in said housing adjacent to one of said friction or said reaction disks, said piston having actuated and non-actuated positions relative to said one of said disks; a bias assembly, said bias assembly engaging both said piston and said housing and including a single spring, said single spring being in physical contact with both the housing and the piston, said bias assembly biasing said piston into either of said actuated or non-actuated positions; and a pressurization means, said pressurization means moving said piston into the other of said actuated or non-actuated positions. Please see previous claim rejections for reference numerals.

In reference to claims 24 and 31, Pringle provides a mechanism characterized in that said shaft is interconnected to a drive mechanism.

In reference to claims 25, Pringle provides a selectively engagable friction mechanism comprising a shaft and a housing, said shaft being selectably rotatable in respect to said housing; a multiplicity of friction disks, said friction disks being non-rotatably connected to said shaft, said friction disks being composed of an anodized metal and having an engagement surface, said engagement surface having a single cross section; a multiplicity

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of reaction disks, said reaction disks being non-rotatably connected to said housing, and said friction disks being interleaved with said reaction disks; a piston, said piston being located in a cavity, said cavity being located in said housing adjacent to one of said friction or said reaction disks, said piston having actuated and non-actuated positions relative to said one of said disks; at least two seals, said seals being located in said piston and contacting said housing so as to provide at least one pressurizable chamber within said cavity; a means of selectably pressurizing said at least one chamber said means allowing movement of said piston into either of said actuated or non-actuated positions; a bias assembly, said bias assembly engaging both said piston and said housing and including a single spring; the single spring being in physical contact with both the housing and the piston. said spring having an inner edge and an outer edge, said inner edge being radially displaced from said outer edge, said inner edge contacting either of said piston or said housing, and said outer edge contacting the other of said piston or said housing; and said bias assembly biasing said piston into the other of said actuated or non-actuated positions. Please see previous claim rejections for reference numerals.

In reference to claims 32, Pringle provides a selectively engagable friction mechanism comprising a shaft and a housing, said shaft being selectably rotatable in respect to said housing; a multiplicity of friction disks, said friction disks being non-rotatably connected to said shaft, said friction disks being composed of an anodized metal and having an engagement surface, said engagement surface having a single cross section; a multiplicity of reaction disks, said reaction disks being non-rotatably connected to said housing, there

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being an equal number of said friction disks and said reaction disks, said friction disks being interleaved with said reaction disks; a piston, said piston being located in a cavity, said cavity being located in said housing adjacent to said reaction disks, said piston having actuated and non-actuated positions relative to said reaction disks; three seals, said seals being located in said piston and contacting said housing so as to provide two pressurizable chambers within said cavity; a means of selectably pressurizing at least one of said chambers, the pressurization of either of said chambers allowing movement of said piston into either of said actuated or non-actuated positions; a bias assembly, said bias assembly engaging both said piston and said housing and including a single spring; the spring being in physical contact with both the housing and the piston, said spring having an inner edge and an outer edge, said inner edge being radially displaced from said outer edge, said inner edge contacting either of said piston or said housing, and said outer edge contacting the other of said piston or said housing; at least one washer, said washer being located between said spring and said housing; and said bias assembly biasing said piston into the other of said actuated or non-actuated positions. Please see previous claim rejections for reference numerals.

In reference to claims 33-35, Pringle provides a mechanism having a shaft and a bearing, there being a movable part surrounding the shaft, the improvement means for the movable part to contact the bearing to provide a bearing stop.

Claim Rejections - 35 USC § 103

8) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pringle in view of Kumagai et al (5701976).

Pringle lacks the teaching of a multi-disk brake used in a transmission.

Kumagai et al teaches the use of a multi-disk brake used in an environment including a planetary device having a sun gear, planet gears with a carrier and a ring gear characterized in that a part of the two parts coincides with a gear or carrier of the planetary device.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the multi-disc brake of Pringle in the environment as taught by Kumagai merely to provide an alternate environment of use for the brake, that of which is known in the art.

10) Claims 7-8, 15, 22-23, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pringle in view of Naumann et al (6302246).

Pringle lacks the teaching of an anodized surface or an oxide ceramic.

Naumann (6302246) teaches a surface that is hard anodized and a surface that is coated by a complex oxide ceramic

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the friction surfaces of Pringle with the treated surfaces as taught by Naumann because it is common in the art to treat friction surfaces in order to improve their wear properties.

Response to Arguments

11) Applicant's arguments filed October 30, 2003 have been fully considered but they are not persuasive. Applicant states that by adding the limitation "said single spring being in physical contact with both said housing and said piston" the rejections over Pringle are moot. Pringle clearly provides this limitation as stated in the above rejections.

Conclusion

12) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

DK
September 22, 2004

Robert A. Siconolfi
ROBERT A. SICONOLFI
PATENT EXAMINER